



## **PLANNING COMMISSION AGENDA**

**Wednesday, October 27, 2004**

6:00 p.m. Regular Meeting  
Council Chambers, Room 205, City Hall

801 North First Street  
San Jose, California

**Bob Levy, Chair**  
**Bob Dhillon, Vice-Chair**

**Xavier Campos     Jay James**  
**Dang T. Pham**  
**Christopher Platten     James Zito**

**Stephen M. Haase, Director**  
**Planning, Building and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good evening, my name is **Bob Levy** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***October 27, 2004***. Please remember to turn off your cell phones and pagers. If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

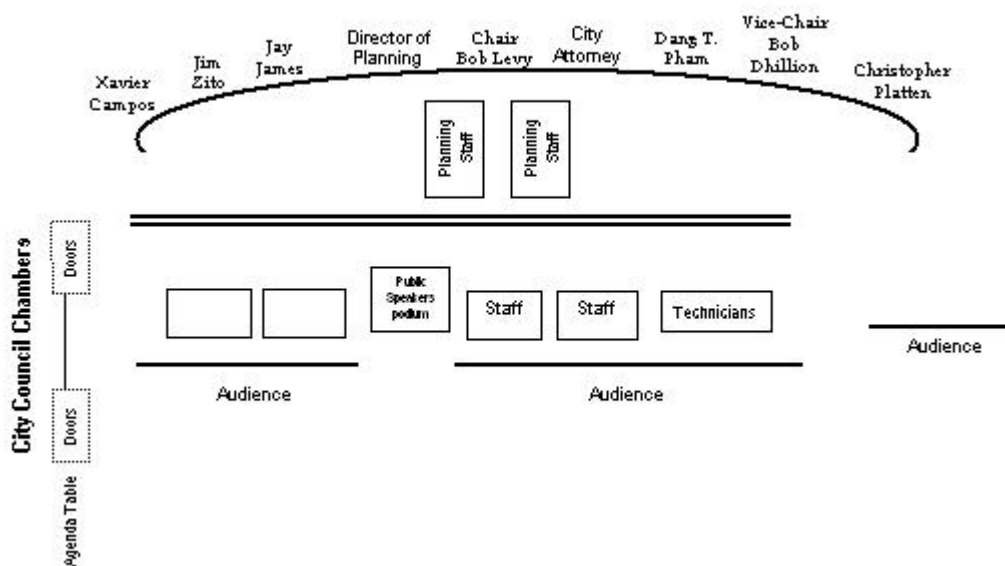
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Commission's action on rezoning, prezonings and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items.** Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

**Note:** If you have any agenda changes, please contact Joe Babiasz at [joe.babiasz@sanjoseca.gov](mailto:joe.babiasz@sanjoseca.gov)).

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm>. Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

**2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

**3. CONSENT CALENDAR**

**NOTICE TO THE PUBLIC**

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.**

- a. **CP04-053**. Wireless - Conditional Use Permit to allow two (2) wireless communications antennas within a modified (church) cross and associated 500 square foot equipment shelter at an existing church on a 1.98 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at the northeast corner of Clayton Road and Pine Ridge Way (3535 CLAYTON RD) (Mt Pleasant Christian Ctr Sj, Owner). Council District 5. SNI: None. CEQA: Exempt.

**Recommendation:**

Planning staff recommends that the Planning Commission approve a Conditional Use Permit to two (2) wireless communications antennas within a modified (church) cross and associated 500 square foot equipment shelter at an existing church as recommended by Staff.

- b. **CP04-101**. Conditional Use Permit to allow the continued use of an existing monopole/ wireless communications facility for which the prior Permit has expired, modifications to the antennas, and the addition of an emergency, back-up generator on a 0.1 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 9770 Monterey Road (9770 MONTEREY RD) (Anna Saso, Owner; Verizon Wireless, Developer). Council District 2. SNI: None. CEQA: Exempt

**Recommendation:**

Planning staff recommends that the Planning Commission to approve a Conditional Use Permit to allow the continued use of an existing monopole/ wireless communications facility for which the prior Permit has expired, modifications to the antennas, and the addition of an emergency, back-up generator as recommended by Staff.

- c. [CP04-089 and ABC04-009](#). Conditional Use Permit and Liquor License Exception to allow on-site sale of alcoholic beverages, an entertainment and drinking establishment (including cocktail lounge, dancing, and a DJ) and to operate after midnight until 2:00 am on a 0.11-acre site in the DC Downtown Primary Commercial Zoning District, located on East side of South 1<sup>st</sup> Street, approximately 200 feet northerly of San Salvador Street (Sofa Lounge) (372 S 1ST ST) (Turco John E Trustee & Et Al, Owner). Council District 3. SNI: None. CEQA: Exempt.

**Recommendation:**

Planning staff recommends that the Planning Commission to approve a Conditional Use Permit and Liquor License Exception Permit to allow on-site sale of alcoholic beverages, an entertainment and drinking establishment (including cocktail lounge, dancing, and a DJ) and to operate after midnight until 2:00 am as recommended by Staff.

- d. [CP04-040](#). Conditional Use Permit to allow a new, 24-foot tall, wireless communications antenna/ monopole and associated equipment enclosure in the R-1-8 Single-Family Residence Zoning District, located on the westerly side of US Highway 101 and easterly of Snow Drive, at the terminus of Giraudo Drive (Caltrans, Owner; Nextel of California, Developer). Council District 2. SNI: Edenvale/Great Oaks. CEQA: Exempt.

**Recommendation:**

Planning staff recommends that the Planning Commission to approve a Conditional Use Permit Permit to allow a new, 24-foot tall, wireless communications antenna/ monopole and associated equipment enclosure as recommended by Staff.

- e. [C04-074](#). Conventional Rezoning from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.53 gross acre site, located at/on the southeast corner of West San Carlos Street and Josefa Street (498 W SAN CARLOS ST) (Leonard & Co Inc, Owner). Council District 3. SNI: Delmas Park. CEQA: EIR Resolution No. 65459.

**Recommendation:**

Planning staff recommends that the Planning Commission recommend to the City Council approval of a proposed Conventional Rezoning from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District to allow commercial uses as recommended by Staff.

- f. [PDC04-040](#). Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 19 single-family detached residences on a 1.75 gross acre site, located on the south side of East San Antonio Street, at South 34th Street (1650 E SAN ANTONIO ST) (Pham Thinh Et Al, Robert Ross and Janet Rausch, Owners; DKB Homes, Mr. Charles Walton, Developer). Council District 5. SNI: Gateway East. CEQA: Mitigated Negative Declaration. Deferred from 10/13/04.

**Recommendation:**

Planning staff recommends that the Planning Commission recommend to the City Council approval of a proposed Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 19 single-family detached residences as recommended by staff.

- g. The projects being considered are located at/on the southwest corner of Kirk Road and Salisbury Drive on a 0.81 gross acre site (Iranian Christian Church, Owner). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration.
1. [PDC03-105](#). Planned Development Rezoning from A(PD) Planned Development District to A(PD) Planned Development Zoning District to allow 6 single-family detached residential units.

**Recommendation:**

Planning staff recommends that the Planning Commission recommend to the City Council approval of a proposed Planned Development Rezoning to allow an existing un-permitted social service use in a single-family residential structure as recommended by Staff.

2. [PD04-047](#). Planned Development Permit to allow the construction of 6 single-family detached residential units.

**Recommendation:**

Planning staff recommends that the Planning Commission to approve a Planned Development Permit to allow the construction of six (6) single-family detached residential units as recommended by Staff.

3. **PT04-059**. Planned Tentative Map Permit to reconfigure 2 parcels into 6 lots for single-family detached residential units.

**Recommendation:**

Planning staff recommends that the Planning Commission to approve a Planned Tentative Map Permit to reconfigure 2 parcels into 6 lots for single-family detached residential units as recommended by Staff.

- h. **CP04-043**. Conditional Use Permit request to allow wireless communications antenna and associated equipment cabinets on the roof of an existing church on a 3.55 gross acre site enclosure in the R-1-8 Single-Family Residence Zoning District, located on the east side of South White Road, approximately 300 feet southerly of East Hills Drive (WHITE ROAD BAPTIST CHURCH, OWNER; METRO PCS, INC, DEVELOPER). Council District 5. SNI None. CEQA: Exempt.

**Recommendation:** Planning staff recommends **deferral to 11-10-04**.

- i. **PDC04-026**. Planned Development Rezoning from A Agricultural Zoning District and R-1-5 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 15 single-family detached residences on a 2.25 gross acre site, located on the southwest corner of Story Road and Clayton Road (Davis Jim W And Janet M Trustee, Echavarria Ernest J And Cecilia, Echavarria Ernest, Owners; DKB Homes, Developer). Council District 5. SNI: None. CEQA: Mitigated Negative Declaration.

**Recommendation:**

Planning staff recommends that the Planning Commission recommend to the City Council approval of a proposed Planned Development Rezoning from A Agricultural Zoning District and R-1-5 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 15 single-family detached residences as recommended by Staff.

**The following items are considered individually.**

**4. PUBLIC HEARINGS**

- a. **PDA84-046-01**. APPEAL OF THE PLANNING DIRECTOR'S DECISION TO APPROVE A PLANNED DEVELOPMENT PERMIT AMENDMENT to allow the removal of one Aleppo Pine tree 76 inches in circumference on an existing attached residential site, in the R-1-8 (PD) Planned Development Zoning District, located on the southerly side of Primavera Court, approximately 250 feet easterly of Primavera Drive (Via Primavera Homeowner's Association, Owners). Council District 2. SNI: None. CEQA: Exempt. Continued from 10-13-04.

**Recommendation:**

Planning staff recommends that the Planning Commission uphold the Planning Director's decision to approve a Planned Development Permit Amendment to remove one (1) Aleppo Pine tree 76 inches in circumference on an existing attached residential site as recommended by Staff.

- b. [CP04-083](#). Conditional Use Permit for expansion of a legal non-conforming private school use to include a 0.4 acre site zoned CP Commercial Pedestrian located on the south side of Emory Street , 300 feet west of Stockton (760 EMORY ST) resulting in an approximately 24 acre private school campus. The expansion area includes an existing one-story office building proposed for use as a wrestling facility. (Bellarmine College Preparatory, Owner). Council District 6. SNI: None. CEQA: Exempt.

**Recommendation:**

Planning staff recommends that the Planning Commission to approve a Conditional Use Permit to allow the expansion of a legal non-conforming private school use to include a 0.4 acre site zoned CP Commercial Pedestrian located on the south side of Emory Street , 300 feet west of Stockton (760 EMORY ST) resulting in an approximately 24 acre private school campus. The expansion area includes an existing one-story office building proposed for use as a wrestling facility as recommended by Staff.

- c. [CP03-010](#). CONDITIONAL USE PERMIT to allow an entertainment and drinking establishment, operation after midnight, and an alternating use parking arrangement on a 2.16 gross acre site in the CN-Commercial Neighborhood Zoning District located at the northeast corner Monterey Road and Rancho Drive (3844 Monterey Road) (Alex Hawari, Owner; Fiesta Club/Miguel Sandoval, Developer). Council District 7. SNI: None. CEQA: Addendum to ND. Continued from 9-22-04.

**Recommendation:**

Planning staff recommends that the Planning Commission to approve a Conditional Use Permit Permit to an entertainment and drinking establishment, operation after midnight, and an alternating use parking arrangement as recommended by Staff.

- d. [CP04-068](#). Conditional Use Permit to convert an existing 16-unit multi-family residential building totalling 11,868-square feet and an existing single-family residence to fraternity residential uses on a 0.25 acre site in the R-M Multiple Residence Zoning District, located at/on northwest corner of East San Fernando Street and South 7th Street (295 E SAN FERNANDO ST & 79 S 7<sup>th</sup> ST) (Redevelopment Agency Of The City Of San Jos, Owner). Council District 3. SNI: 13th Street, University. CEQA: Exempt.



**Recommendation:**

Planning staff recommends that the Planning Commission to approve a Conditional Use Permit Permit to convert an existing 16-unit multi-family residential building totaling 11,868-square feet and an existing single-family residence to fraternity residential as recommended by staff.

- e. The items being considered are located at the southwest corner of Coleman Street and West Taylor Street on a 39.1 gross acre site (Southern Pacific Transportation Co, Owner). Council District 3. SNI: None.

1. **FINAL ENVIRONMENTAL IMPACT REPORT (EIR)** to allow a community retail center of up to 385,000 square feet containing a mixture of retailers, sit-down restaurants, drive-through fast food restaurants, offices, gas station, and other typical retail and quasi-retail uses, such as service business and office uses.

**Recommendation:**

Planning staff recommends that the Planning Commission to approve a FINAL ENVIRONMENTAL IMPACT REPORT (EIR) to allow a community retail center of up to 385,000 square feet containing a mixture of retailers, sit-down restaurants, drive-through fast food restaurants, offices, gas station, and other typical retail and quasi-retail uses, such as service business and office uses as recommended by Staff.

2. **PDC04-018**. Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow a community retail center of up to 385,000 square feet containing a mixture of retailers, sit-down restaurants, drive-through fast food restaurants, offices, gas station, and other typical retail and quasi-retail uses, such as service business and office uses.

**Recommendation:**

Planning staff recommends that the Planning Commission recommend to the City Council approval of a proposed Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow a community retail center of up to 385,000 square feet containing a mixture of retailers, sit-down restaurants, drive-through fast food restaurants, offices, gas station, and other typical retail and quasi-retail uses, such as service business and office uses as recommended by Staff.

- f. [PDC04-016](#). Planned Development Rezoning from R-1-8 District to A(PD) District to allow construction of six Single Family Detached Residences on a 0.73 gross acre site, located between Mount Pleasant Road and Mount Kenya Drive, approximately 250 feet northerly of Marten Avenue (1795 Mount Pleasant Road) (Norman C, Robbins, Calandev, Llc, Owner/ Developer). Council District 5. SNI: None. CEQA: Mitigated Negative Declaration.

**Recommendation:**

Planning staff recommends that the Planning Commission recommend to the City Council denial of a proposed Planned Development Rezoning from R-1-8 District to A(PD) District to allow construction of six (6) single family detached residences as recommended by Staff.

**5. PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
  2. Requesting staff to report back on a matter at a subsequent meeting; or
  3. Directing staff to place the item on a future agenda.

**6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

**7. GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' reports from Committees:
- Norman Y. Mineta San Jose International Airport Curfew and Noise Monitoring Committee (Dhillon and James).
  - Coyote Valley Specific Plan (Platten)

c. [Review of synopsis](#)

**8. ADJOURNMENT**

## 2004 PLANNING COMMISSION MEETING SCHEDULE

November 1 <b>Monday</b>	6:00 p.m.	General Plan Hearing	Council Chambers
November 10	6:00 p.m.	Regular Meeting	Council Chambers
November 17	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
November 29 <b>Monday</b>	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
December 8	6:00 p.m.	Regular Meeting	Council Chambers